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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,792	06/30/2000	Arjun Rajagopalan	020431.0578	2259

7590 10/10/2003  
Baker Botts LLP  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,792

Applicant(s)

RAJAGOPALAN, ARJUN

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 15 and 17 - 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 8 - 15 and 17 - 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

This is in reference to response received on 18 July 2003 to the office action mailed on 15 July 2003. There are 27 claims, claims 1 – 6, 8 – 15 and 17 – 29 pending for examination.

### ***Response to Arguments***

In response to applicant's argument that WarrantyDirect fails to disclose, teach, or suggest "receiving a warranty request from a customer, the warranty request specifying a particular item that a customer desires to cover under a warranty, the warranty request comprising an identification of the particular item," as recited in Claim 1. Neither LendingTree, HomeGain, nor any other cited reference makes up for these deficiencies of WarrantyDirect.

WarrantyDirect discloses that customers can purchase extended warranty protection for their vehicle (particular item) [page 12]. HomeGain discloses agents can submit bid for selling sellers home (particular item). LendingTree discloses lenders bidding for mortgage (mortgage on a real estate, i.e. particular item).

Art Unit: 3629

In response to applicant's argument that examiner cite a reference in support that unique identifiers like Serial Numbers (SIN), Vehicle Identification Numbers (VIN) are used for identification purposes. CarFax discloses using VIN to extract vehicle history, during traffic citation, police verify VIN to the registration number of the vehicle to determine whether the registration to the vehicle (done in State of Maryland), VIN is used to determine manufacturer, year code, serial number etc., emission inspection stations verify VIN during emission inspection.

In response to applicant's argument that In addition, at least because *WarrantyDirect* fails to disclose, teach, or suggest a warranty request "specifying a particular item". *WarrantyDirect* discloses customers can purchase warranty online. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that *WarrantyDirect* is selling warranty services for vehicles (a particular item).

*WarrantyDirect* does not generate using generation engine, one or more warranty packages for the particular item. *WarrantyDirect* discloses warranty packages for vehicles (particular item). *WarrantyDirect* discloses providing quotes based on vehicle information and type of coverage specified by the customer, and, asks customer to make selection and click for quote (*WarrantyDirect* generates quote on a computer system to give to customer consistent with the warranty request <type of service> and according to one or more rules.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, 8 – 15 and 17 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warranty Direct hereinafter known as WarrantyDirect in view of Lending Tree, Inc. hereinafter known as Lendingtree and further in view of HomeGain.Com hereinafter known as HomeGain.

Regarding claims 1, 11, 20 and 29, WarrantyDirect discloses system and method to sell extended warranty to their customers. WarrantyDirect allows customers to request for quote by providing a form, which the customer uses to provide the information about the product they are requesting the price quote for warranty [page 5].

WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected.

WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. Customer is given a choice to elect what level warranty coverage they would like to get the quotation for [page 5].

.Art Unit: 3629

WarrantyDirect discloses that customers can purchase Warranty protection online, or, by contacting WarrantyDirect via telephone or fax.

WarrantyDirect does not disclose identification of particular item. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that business use unique identifiers to identify products. It is a business choice to elect what information to use for identification. A business may elect their own generated number (e.g. applying a sticker with unique number on the vehicle) Serial Numbers (S/N), Vehicle Identification Numbers (VIN), registration tag numbers, owners name with vehicle make and model, customers telephone number to identify the product when it is brought in for service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that WarrantyDirect uses some sort of identification to ensure that customer gets the repair services and the repair service provider gets compensated for the repair performed.

WarrantyDirect does not disclose communicating warranty package to one or more warranty service providers. However, WarrantyDirect discloses that at the time when repair services are required, repair service professional contacts WarrantyDirect for payment [page 11]. LendingTree disclose system and method which allows customers to provide information for the loan service they require, and, LendingTree discloses that after the customer has provided information, within two business days, customers can receive response from various lenders (mortgage service providers). In addition, HomeGain discloses system and method which allows user to request bids from plurality of service estate agents (service providers) to sell the property. After

.Art Unit: 3629

completing the basic sign-up process, customer is logged into the control center.

Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review [page 20]. Therefore, it would have been obvious to a person with ordinary skill in the art to communicate requirements to one or more providers to provide information to their service providers and receive the competitive bids for their users. Therefore, it is known at the time of invention to a person with ordinary skill in the art that quote for service can be provided by a single source (service provider owns the system), or, the quote can be provided by plurality of service providers (business owning the system acts as a middle man, e.g. LendingTree) to have the affiliates pay for keeping the system running, and, providing competing prices to customers.

WarrantyDirect does not disclose accessing information from other sources for the particular item (item that the customer wants to get the services for). HomeGain discloses that its property value estimates are generated through various sources of data [page 19]. CarFax discloses that customers can get information on a particular vehicle (identified by VIN) from CarFax (other source) to get information on a vehicle which may not be readily available to the customer [page 10, 12, 13]. CarFax discloses to gather information from numerous sources to provide comprehensive vehicle history information (product offered by CarFax) [page 3]. CarFax discloses other businesses use CarFax services to make better business decisions [page 22]. Also, CarFax disclose providing link to WarrantyDirect [page 46]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that

Art Unit: 3629

business can access information from other sources to get the current information for making better business decision. For example, used car dealership can use CarFax information to determine the price to purchase the car from a seller, HomeGain clients can use the home valuation to determine whether they would want to sell their home etc., real estate agents access information from Multiple Listings to get information on Home Values to determine the commissions they would charge the seller for rendering their services.

WarrantyDirect discloses one or more warranty packages for a particular item (vehicle) [page 17]. Also, HomeGain discloses that sellers may receive proposals from plurality of agents for rendering their services [page 4].

WarrantyDirect discloses communicating warranty packages for the particular item to the customer [page 5].

WarrantyDirect discloses receiving selection warranty package from customer. Also, HomeGain discloses receiving selection from customer [page 18].

WarrantyDirecet discloses communicating customer selection to service provider (itself). HomeGain discloses communicating customer selection to service providers (agents) [page 18].

Regarding claims 2, 12, and 21, WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. Customer is given a choice to elect what level warranty coverage they



Art Unit: 3629

would like to get the quotation for [page 5]. WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected.

Regarding claims 3 – 4, 13 – 14 and 22 – 23, WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected. WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. It is obvious that WarrantyDirect stores information from customers to be able to provide the requested information.

Regarding claims 5 – 6, 15 and 24 – 25, WarrantyDirect discloses to be communicating warranty packages over the internet. It is obvious that a user will use a browser to access the information over the internet.

WarrantyDirect does not disclose communicating warranty package to one or more warranty service providers. However, WarrantyDirect discloses that at the time when repair services are required, repair service professional contacts WarrantyDirect for payment [page 11]. LendingTree disclose system and method which allows

Art Unit: 3629

customers to provide information for the loan service they require, and, LendingTree discloses that after the customer has provided information, within two business days, customers can receive response from various lenders (mortgage service providers). In addition, HomeGain discloses system and method which allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center.

Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review [page 20]. Therefore, it would have been obvious to a person with ordinary skill in the art to communicate requirements to one or more providers to provide information to their service providers and receive the competitive bids for their users. Therefore, it is known at the time of invention to a person with ordinary skill in the art that quote for service can be provided by a single source (service provider owns the system), or, the quote can be provided by plurality of service providers (business owning the system acts as a middle man, e.g. LendingTree) to have the affiliates pay for keeping the system running, and, providing competing prices to customers.

Regarding claims 8, 17 and 26, WarrantyDirect does not disclose identification of particular item. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that unique identifiers like Serial Numbers (S/N), Vehicle Identification Numbers (VIN) are used for identification

Art Unit: 3629

purposes to ensure that the product brought in for service is the actual product for which the customer purchase the warranty service. During the registration of a vehicle, the Motor Vehicle Authority at the jurisdiction requires the VIN to identify the vehicle for which the number plates (tags) are issued. Also, during a traffic violation, law enforcement officer checks the VIN of the vehicle to identify whether the tags on the vehicle belong to that vehicle. CarFax discloses using VIN to find vehicle history. Therefore, it would have been obvious to a person with ordinary skill in the art to use VIN of the vehicle to identify the vehicle, its make, model, year of manufacture etc. to determine whether the vehicle is a lemon, salvage vehicle, rental vehicle, prevent the customer from filing a claim for a similar vehicle. For example, vehicle tag number as a means for identification may not work because tag numbers can be transferred to another vehicle when a person replaces a car (done in the State of Maryland).

Regarding claims 9 – 10, 18 – 19 and 27 – 28, WarrantyDirect does not disclose generating bids, and communicating bids. However, LearningTree discloses that within two business days after the customer has provided the information, plurality of lender will respond – all competing for customers business [page 2]. In addition, HomeGain allows user to request bids from plurality of service estate agents (service providers) to sell customer's property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review. Service

Art Unit: 3629

Providers can view all the information available about available listings. Service Providers can 'Submit A Proposal' (bid) to the seller. When an agent responds to seller profile with a service proposal, the proposal is stored in Seller Control Center and the customer is notified immediately. Customers can review proposals. Customers can contact an agent by clicking of the envelope icon next to the proposal. It is a business choice on how a business elects to close a deal. HomeGain elected customers contact the agent and discuss further to help them make decision on which agent is qualified to sell their home [pages 20 – 27]. In addition, LendingTree discloses customers getting bids from the lenders, and, when a customer accepts a loan offer from a lender, LendingTree asks customers to send response through LendingTree. Therefore, it would have been obvious to a person with ordinary skill in the art to get bids from suppliers to save money for their customers by providing competitive bids from their service providers.

Art Unit: 3629

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

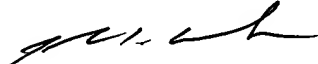
1. Herz et al. US Publication 2001/0014868
2. BrickBoard Archives

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

October 2, 2003  
Naresh Vig

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600